

REMARKS

This is in full and timely response to the Official Office Action mailed on September 11, 2003. Reexamination in light of the amendments and the following remarks is respectfully requested.

Claims 2, 4, 8, 9 and 11 to 14 were currently pending in this application, with claim 2 being independent. No new matter had been added. Action on claim 9 had been apparently overlooked, for it is not mentioned in the summary of the action, nor is it mentioned in the body of the action itself. A new action on the merits of this application, non-final in nature, including action on claim 9 is thus solicited and warranted. On this record, it would appear that claim 9 is allowable in that the prior response handled a section 112 rejection. This may be especially true because Stoger relates to aluminum, whereas claim 9 relates specifically to copper; accordingly, claim 9 is placed in independent form by including the subject matter of its parent claim 9.

Rejections under 35 U.S.C. 103:

It is noted with appreciation that prior rejections based on Dotzer and Birkle are not here repeated. Accordingly, they deemed withdrawn.

Claims were rejected under 35 U.S.C. 103(a) as being obvious

over the U.S. Patent No. 4,176,034 to Stoger et al. Stoger).
Claim 9 was not specifically mapped in the rejection under 35
U.S.C. 103 as being allegedly obvious over Stoger.

These rejections are respectfully traversed for at least the following reasons.

Stoger fails to disclose, teach or suggest a plating chamber containing both a plating bath and a holder for holding a substrate used in a large scale integration process, and also fails to disclose, teach or suggest a transportation chamber connected to the pre-treating chamber by a first gate valve and connected to the plating chamber by a second gate valve. The Action, in admitting that there are differences between Stoger and the claims submitted, argues that the issue is whether the differences are equivalent to the recited gate valve, and the intended use of the apparatus. However, under 35 USC 103, the issue is carefully stated as one of whether the claimed invention as a whole would have been obvious to one of ordinary skill in the art at the time the invention was made. The fact that there are admitted differences between Stoger and the claimed subject matter makes the rejection flawed in failing to establish a prima facie case of obviousness.

Moreover, the argument in the first full paragraph on page 3 of the Action is bottomed on a perceived notion that the door 303 and the inner lock opening are "inherently" gate valves. This finding is respectfully specifically traversed, and support for the alleged inherency in the form of art, properly combined with Stoger, is solicited.

It appears from the last sentence in that paragraph that doubt is expressed in the Action, for it is contended that the selection of any equivalent transferring and/or loading/unloading valve would be within the level of ordinary skill in the art. Whether that statement is or is not fact, in the abstract, is not before us. The issue in the section 103 analysis is whether there is a motivation, impetus, or teaching to make the allegedly equivalent teaching.

Finally, the paragraph spanning pages 3 and 4 argues that the "intended use" of the device does not cover what a device is, rather than what it does. In this case, however, the section 112 rejection of claim 2 is not understood, for it gives life and meaning to the preamble, and makes the claim operative for its intended purposes. Therefore, without being obstinate or difficult for the examiner, this 112 rejection is traversed for this reason. The examiner is invited to propose an alternative if he is still troubled by the recitation of the plating bath.

Nonetheless, claim 2 is amended for clarification to recite a means for providing said non-oxidative atmosphere referred to in the claim.

Newly-added Claims

New claims 16 to 22 are added in apparatus form, paralleling the method claims of the parent patent No. 6,241,869. These claims are patentable in that principles of rejoinder apply, i.e. after restriction, each of these claims contain the same limitations as in the parent issued patent, and such claims further clarify the main points of the invention. Examination of claims 16 to 22 is requested.

Withdrawal of these rejections and allowance of the claims is respectfully requested.

Conclusion

For the foregoing reasons, all the claims now pending in the present application are allowable, and the present application is in condition for allowance. Accordingly, favorable reexamination and reconsideration of the application in light of the amendments and remarks is courteously solicited. More specifically, claims 2 (independent), 4, 8, and 11 to 14 (dependent on or through claim 2); claim 9 (independent); newly added claim 16 (independent) and claims 17 to 22 are pending in this application for reexamination.

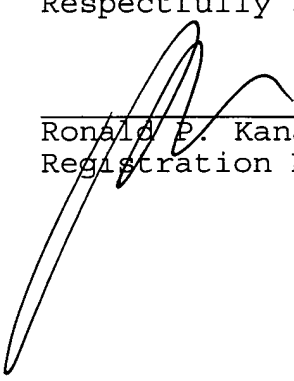
If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone Brian K. Dutton, Reg. No. 47,255, at 202-955-8753 or the undersigned attorney at the below-listed number.

If any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

Respectfully submitted,

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